Case 2:17-cv-02251-PBT_Document 1_Filed 05/16/17 Page 1 of 8 CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as

Citizen of This State 1 x 1 Incorporated by Principal Place 4 4 4	provided by local rules of court. purpose of initiating the civil do	This form, approved by the cket sheet. (SEE INSTRUCT	e Judicial Conferen TONS ON NEXT PAG	ice of the ' E OF THIS	Ünited States in September 1 SFORM.)	1974, is required for the use of	the Clerk of Court for the	
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(c) Altoneys (Pre-Nume, Advess, and Tolephone Numbers) KML Law Group, P.C. – Rebecca A. Solarz, Esquire 701 Market Street, Ste. 5000, Phila., PA 19106 2115-627-1322, rsolarz(Skimllawsgroup.com III. BASIS OF JURISDICTION (Place on "X" in One Box Only) X1 U.S. Government Plannill (a) Solorenment (b) Solorenment (c) Solorenment (c) Solorenment (d) Solorenment (d) Solorenment (e) S	(b) County of Residence of	f First Listed Plaintiff			County of Residence of First Listed Defendant Philadelphia			
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1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 1345 Brief description of cause: Enforced Collections VII. REQUESTED IN COMPLAINT: UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes X No VIII. RELATED CASE(S) IF ANY SIGNATURE OF ATTORNEY OF RECORD		Other 448 Education	550 Civil Rights 555 Prison Condit 560 Civil Detained Conditions of	ion e -				
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Case 2:17-cv-02251-PRT Document 1 Filed 05/16/17 Page 2 of 8 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERI	CA Plaintiff	CIVIL ACTION NO.	
KENSHASA HAYWARD	Defendant		
shall complete a case Manager complaint and serve a copy on form.) In the event that the defe defendants shall, with their firs	ment Track Designation all defendants. (See § 1:0 endants do not agree with appearance, submit to the ent track designation form	Reduction Plan of this court, counse. Form in all civil cases at the time 3 of the plan set forth on the revers the plaintiff regarding said designate clerk of court and serve on the plan specifying the track to which thos	of filing the e side of this tion, that the intiff and all
SELECT ONE OF THE FOL	LOWING CASE MANA	AGEMENT TRACKS:	
(a)	Habeas Corpus Cases §2241 through §2255.	brought under 28 U.S.C.	()
(b)	Social Security Cases decision of the Secretary Services denying plainting		()
(c)	Arbitration Cases requarbitration under Local (nired to be designated for Civil Rule 53.2.	()
(d)	Asbestos Cases involvor property damage from	ing claims for personal injury a exposure to asbestos.	()
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(f)	Standard Management any one of the other trac	Cases that do not fall into ks.	(X)
<u>5/11/2017</u> Date		A. Solarz, Esq. y for Plaintiff, United States of A	merica

Pennsylvania Attorney I.D. No. 315936 Suite 5000 – BNY Independence Center 701 Market Street

Philadelphia, PA 19106-1532 (215) 825-6327 (Direct) FAX (215) 825-6443

rsolarz@kmllawgroup.com

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA - DESIGNATION FORM to be used by counsel to indicate the category of the case of the purpose of assignment to appropriate calendar.

Addr	ess of Plaintiff: c/o Suite 5000 – BNY Independence Center, 701	l Market Street,	Philadelphia, PA	10106-1532
Addr	ess of Defendants: <u>537 Van Kirk Street Philadelphia</u> , PA 19120			
Place	e of Accident, Incident or Transaction: <u>ACTION OF ENFORCED C</u> (Use Reverse Side For Ad			
Does	this case involve multi-district litigation possibilities?			Yes □ No ■
REL	ATED CASE, IF ANY:			
Case	Number: Judge:	Da	ate Terminated:	4
Civil	cass are deemed related when yes is answered to any of the following question	ns:		
1.	is this case related to property included in an earlier numbered suit pending or	within one year prev Yes □	iously terminated acti No <u></u>	on in this court?
	Does this case involve the same issue of fact or grow out of the same transact this court?	tion as a prior suit pe Yes □	nding or within one ye	ear previously terminated action in
	Does this case involve the validity or infringement of a patent already in suit or	any earlier number	case pending or within	n one year previously terminated
	action in this court?	Yes □	No 🔣	
CIVIL	(Place			
	Federal Question Cases Indemnity Contract, Manne contract, and All Other Contracts FELA Jones Act-Personal Injury Antitrust Labor-Management Relations Civil rights Habeas Corpus Securities Act(s) Cases Cocial Security Review Cases All other Federal Question Cases (Please specify) Foreclosure of property encumbered by a federal mortgage.	1. 2. 3. 4. 5. 6. 7. 8. 9.	Airplane Personal Assault, Defamati Marine Personal I Motor Vehicle Pel	at and Other Contracts Injury on njury sonal Injury jury (Please specify) – Asbestor
	ARBITRATION CER (Check appropriate			
ı, <u>R</u> e	 Pursuant to Local civil Rule 52.2. Section 2©(2), that to the best of mexceed the sum of \$!50,000.00 exclusive of interest and costs. Relief other than monetary damages is sought. 	ny knowledge and be	elief, the damages rec	overable in this civil action case
DATE	Attorney-at-L	Y	(sig)	315936 Attorney i.d.#
	NOTE: A trial de novo will be a trial by jury only if there			
noted	ify that, to my knowledge, the within case is not related to any case now pendir t above. : _5/11/17 Attorney-at-L	1/4	previously terminate	d action in this court except as 315936 Attorney i.d.#
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UNITED STATES DISTRICT COURT

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

CIVIL NO.

vs.

KENSHASA HAYWARD

Defendant

COMPLAINT

The United States of America, on behalf of its Agency, U.S. Department of Education, by its specially appointed counsel, Rebecca A. Solarz of KML LAW GROUP, P.C., represents as follows:

- 1. This Court has jurisdiction pursuant to 28 U.S.C. 1345.
- The last-known address of the Defendant, KENSHASA HAYWARD ("Defendant") is 537 Van Kirk Street, Philadelphia, PA 19120.
- 3. That the defendant is indebted to the plaintiff in principal amount of \$52,400.05, plus interest of \$9,522.28, for a total of \$61,922.33. A true and correct copy of the Certificate of Indebtedness is attached as Exhibit "A" ("Certificate of Indebtedness").
- 4. That the defendant is indebted to the plaintiff in principal amount of \$13,683.99, plus interest of \$4,780.50, for a total of \$18,464.49. A true and correct copy

of the Certificate of Indebtedness is attached as Exhibit "B" ("Certificate of Indebtedness").

5. Demand has been made upon Defendant by Plaintiff for the sum due but the amount due remains unpaid.

WHEREFORE, the plaintiff demands judgment against Defendant as follows;

- (A) In the amount \$80,386.82.
- (B) Plus filing fee allowed pursuant to 28 U.S.C., Section 1914 in the sum of \$150.00.
- (C) Interest from the date of judgment at the legal rate of interest in effect on the date of judgment until paid in full.
- (D) Costs of suit.

Notice is hereby given to Defendant that Plaintiff intends to seek satisfaction of any judgment rendered in it favor in this action from any debt accruing.

United States of America by and through its specially appointed counsel

KML Law Group, P.C.

By:

Rebecca A. Solarz, Esquire BNY Independence Center

701 Market Street

Suite 5000

Philadelphia, PA 19106-1532

(215)825-6327

rsolarz@kmllawgroup.com

UNITED STATES DISTRICT COURT

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

CIVIL NO.

VS.

KENSHASA HAYWARD

Defendant

EXHIBITS

"A" CERTIFICATE OF INDEBTEDNESS "B" CERTIFICATE OF INDEBTEDNESS

U. S. DEPARTMENT OF EDUCATION SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 2

KENSHASA HAYWARD 537 VAN KIRK ST PHILADELPHA, PA 19120 Account No. XXXXX6594

I certify that U.S. Department of Education records show that the BORROWER named above is indebted to the United States in the amount stated below plus additional interest from 01/18/17.

On or about 09/02/10 and 09/18/10, the BORROWER executed a promissory note to secure a Direct Consolidation loan from the U.S. Department of Education. This loan was disbursed for \$30,509.05 and \$18,908.87 on 10/08/10 through 11/26/10 at 4.25 % interest per annum. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et seq. (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the BORROWER defaulted on the obligation on 06/13/13. Pursuant to 34 C.F.R. § 685.202(b), a total of \$4,019.70 in unpaid interest was capitalized and added to the principal balance.

The Department has credited a total of \$1,533.11 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the BORROWER now owes the United States the following:

Principal: \$52,400.05

Interest: \$ 9,522.28

Total debt as of 01/18/17: \$61,922.33

Interest accrues on the principal shown here at the rate of \$6.10 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 4 19 17

Loan Analyst/
Litigation Support Unit

Henry Mac Loan Analyst

U. S. DEPARTMENT OF EDUCATION SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #2 OF 2

KENSHASA HAYWARD 537 VAN KIRK ST PHILADELPHIA, PA 19120 Account No. XXXXX6594

I certify that U.S. Department of Education records show that the BORROWER named above is indebted to the United States in the amount stated below plus additional interest from 01/18/17.

On or about 09/02/11, the BORROWER executed a promissory note to secure a Direct Consolidation loan from the U.S. Department of Education. This loan was disbursed for \$13,463.74 on 10/20/11 at 7.75% interest per annum. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et seq. (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the BORROWER defaulted on the obligation on 01/16/13. Pursuant to 34 C.F.R. § 685.202(b), a total of \$220.25 in unpaid interest was capitalized and added to the principal balance.

The Department has credited a total of \$424.13 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the BORROWER now owes the United States the following:

Principal:

\$13,683.99

Interest:

\$4,780.50

Total debt as of 01/18/17:

\$18,464.49

Interest accrues on the principal shown here at the rate of \$2.90 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 4/19/17

Loan Analyst

Litigation Support Unit

Henry Mac Loan Analyst